

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LEON S. SEGEN, derivatively and on behalf of
APPLIED MICRO CIRCUITS CORPORATION,

Plaintiff,

v.

DAVID M. RICKEY, WILLIAM M.
BENDUSH, and APPLIED MICRO
CIRCUITS CORPORATION,

Defendants.

Case No. 07-2917 MJJ

**[PROPOSED] ORDER GRANTING
DAVID M. RICKEY'S MOTION TO
DISMISS PLAINTIFF'S VERIFIED
COMPLAINT**

Date: November 27, 2007

Time: 9:30 a.m.

Courtroom: 11

Judge: Hon. Martin J. Jenkins

Action Filed: June 5, 2007

Trial Date: Not Set

1 Defendant David M. Rickey's Motion to Dismiss came for hearing before this Court on
2 November 27, 2007.

3 Having considered the briefs and oral argument of the parties, this Court finds that
4 Plaintiff's claim under Section 16(b) of the Exchange Act of 1934 fails to state a claim on which
5 relief may be granted. Accordingly:

6 IT IS HEREBY ORDERED THAT, Mr. Rickey's Motion To Dismiss is GRANTED, and
7 Plaintiff's cause of action under Section 16(b) is DISMISSED WITH PREJUDICE.

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9 IT IS SO ORDERED.

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11 Dated: _____, 2007

12 Hon. Martin J. Jenkins
13 United States District Judge
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